

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA**

IN THE MATTER OF:

DEWAYNE K. LONG

SSN: ####-##-2479

) BK. NO. 09-82347-TJM
)
) CHAPTER 13
)
)
)

Debtor.

TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN

COMES NOW, KATHLEEN A. LAUGHLIN, Chapter 13 Trustee, and objects to confirmation of the plan pursuant to 11 U.S.C. § 1324 and Bankruptcy Rule 3015 (f) for the following reason(s):

1. Based upon claims filed or debts scheduled or both, it appears that the debtor is not eligible for Chapter 13 relief in that such debt exceeds the limitations set forth in 11 U.S.C. Sec. 109(e).
2. 11 U.S.C. §1308 requires the debtor, not later than the day before the First Meeting of Creditors, to file with the appropriate tax authorities all tax returns for all taxable periods ending during the 4-year period ending on the date of the filing of the petition, assuming the debtor was required to file a tax return under applicable non-bankruptcy law. Under 11 U.S.C. §1325(a)(9), the filing of tax returns in compliance with §1308 is a condition of confirmation. Pursuant to §521(f), the Trustee hereby requests that the debtor produce a copy of his 2008 Federal tax return. Until this document is filed with the appropriate taxing authority, a copy of the return is supplied to the Trustee, and the Trustee has had an opportunity for review, the Trustee reserves all objections to confirmation.
3. The debtor does not appear to be devoting his full projected disposable income to the plan since it appears that the debtor's monthly housing expense is higher than what is reasonably necessary for the maintenance or support of the debtor. The plan was not filed in good faith.
4. According to Schedule J, the debtor's expenses exceed his income by \$4,396.08 per month. Thus, it does not appear that the plan is feasible.
5. The debtor is self employed. However, he has failed to include a detailed statement of business expenses as required.
6. According to schedule E, the debtor is paying child support. The plan fails to list the Domestic Support Obligation holder's name and address so that the Trustee may provide the required statutory notice.

WHEREFORE, Trustee prays that the Trustee's Objection to Confirmation be sustained.

DATED: November 23, 2009

s/ Kathleen A. Laughlin
Kathleen A. Laughlin #16883
Chapter 13 Trustee
13930 Gold Circle, Suite #201
Omaha, NE 68144
(402) 697-0437
1-800-884-0437

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the Trustee's Objection was served on PATRICIA A GERINGER, debtor attorney via the CM/ECF system of the United States Bankruptcy Court and a copy was mailed on November 23, 2009, by first-class, U.S. mail, postage prepaid to the Debtor at the address listed below:

DEWAYNE K. LONG
P O BOX 3
ASHLAND, NE 68003

s/ Kathleen A. Laughlin
Kathleen A. Laughlin